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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,970	07/08/2003	Mitchell Alsup	5500-81600	8802

53806 7590 10/13/2006

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EXAMINER	
GEIB, BENJAMIN P	

ART UNIT	PAPER NUMBER
2181	

DATE MAILED: 10/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 10/614,970	**Applicant(s)** ALSUP ET AL.	
	Examiner Benjamin P. Geib	**Art Unit** 2181	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 September 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

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TECHNOLOGY CENTER 2100
10/5/2006

Continuation from 11:
Regarding claims 1 and 17, contrary to Applicant's assertion, Tran has taught a scheduler coupled to the dispatch unit and configured to schedule dispatched operations for execution, wherein in response to receiving a microcoded instruction, the dispatch unit is configured to dispatch to the scheduler a microcode subroutine call operation that includes a tag identifying a microcode subroutine associated with the microcoded instruction. The cited section of Tran, column 8, line 55 – column 9, line 4, describes the dispatch unit (i.e. decode unit 36 and microcode unit 45) receiving a microcoded instruction (i.e. an x86 CALL instruction; See column 4, lines 50-54) that includes a tag (i.e. target address) identifying a microcode subroutine associated with the microcoded instruction. As noted in the Response to Arguments section of the Final Office Action, the execution of the x86 CALL instruction involves the storing of context information, in particular the instruction pointer, in addition to the execution of the microcode subroutine instructions that are dispatched from the microcode unit. While, as noted by the Applicant, a CALL instruction may be implemented in a microprocessor using any of a variety of actions by various components of the microprocessor, each instruction in the processor of Tran is dispatched from the decode unit (part of the dispatch unit) to the execution units and/or load/store unit (See column 6, lines 24-28) via the reservation station (i.e. scheduler) (See column 6, lines 51-63). Therefore, the decode unit (part of the dispatch unit) is configured to dispatch to the reservation station (i.e. scheduler) a microcode subroutine call (i.e. an x86 CALL instruction) that includes a tag (i.e. target address) identifying a microcode subroutine associated with the microcoded instruction.

Regarding claim 29, the arguments stated above for claims 1 and 17 regarding dispatching a microcode subroutine call operation also apply to claim 29.

Further regarding claim 29, the Applicant argues that a CALL instruction is not a microcoded instruction. The Examiner asserts that the Applicant is reading the claim too narrowly. The Examiner is to interpret the claim as broadly as possible, as long as it is reasonable, and the current claim language merely requires an instruction that is "microcoded". The Examiner has provided a reasonable basis as to why the CALL instruction of Tran is a microcoded instruction. If the Applicant intends for the claimed microcoded instruction to be read as a specific type of microcoded instruction, then the Applicant should claim the instruction as such.

Regarding claim 40, as noted on page 20 of the Final Office Action, Carbine has taught having and using (i.e. dispatching) multiple generic routines. The Applicant appears to be arguing that Carbine has not taught the parallel dispatching of multiple generic routines. However, it is noted that the feature of parallel dispatching of multiple generic routines is not recited in the claim.